<center>**REMARKS**</center>

Reconsideration of the above-identified application, as amended, is respectfully requested.

In the present Official Action, now a Final Rejection, Claims 11, 12 and 17 were first objected to as being in improper dependent form. While the Examiner did indicate that the claims are essentially sufficient for examination purposes, Applicants do amend Claim 12 to correct the dependency upon independent Claim 26.

Further in the Office Action, the Examiner rejected the Claims 11, 12, 26-28 under 35 U.S.C. §103(a) as allegedly being unpatentable over Abu El Ata (US Patent No. 6, 990,437) ("El Ata") in view of Covino et al. (US 2006/0203732) ("Covino").

It is noted in the rejection applying the combination of El Ata and Covino, the Examiner states that El Ata does not expressly teach the claimed limitation:

> said business operations modeling further implementing a business level modeling language for formally representing said business operations according to a schema

However, the Examiner alleges (and in the Examiner's response to Applicant's arguments on page 5 of the Office Action) that Covino at paragraphs 135-137, 139 provides this teaching.

Applicants respectfully disagree in light of a clarifying amendment herein provided to Claims 26-28 that set forth the implementing of a business level modeling language <u>based on business artifacts</u> for formally representing said business operations according to a schema. Respectfully no new matter is being presented by this amendment and respectfully, the

amendment is only now being provided herein to emphasize one novel and unobvious aspect of the modeling language used in the present invention that is neither taught nor suggested by the combination of Covino and El Ata, namely the use and modeling of <u>business artifacts</u> as amended in Claims 26-28.

Concerning the rejection based on Covino, the Examiner cited paragraphs 0135-0137 and 0139 of Covino as an example of business level modeling language for formally representing business operations according to a schema. However, the schema described in paragraph 0139 is used to represent only the information model, not the workflows. This is apparent from the description in Covino (¶[0139]): "The common data model (CMD) [sic]... is specified using an XML schema file (xsd) stored in the MDB data base **together with level 3 processes..**" [Emphasis Added]. This point is further buttressed in Covino at also made in ¶[0066] and ¶[0067], which state that the MDB is "the source of all process and common data definition" and the "MDB is the single logical point of definition and storage of all the behavioral and functional aspects of the platform, workflow, rules, information models and schemes." The information model, represented by an XML schema, is clearly intended to be separate from the workflows. Furthermore, in paragraph ¶[0069] Covino states that layer 3 is an "independent proxy layer that decouples the network from the platform." Workflows in layer 3 prescribe tasks performed by resource proxies, and <u>these tasks are not business operations</u> in Covino.

Thus, with respect to the rejection of Claims 26-28, applicants submit that Covino does not describe business operations modeling based on a business level modeling language <u>based on business artifacts</u>.

The significance of business artifacts is already emphasized in Claims 26-28 in the recitation of modeling business process operations for an entity in terms of business process elements, the process elements including process tasks, <u>artifact flows</u> and <u>artifact repositories</u>, and further, in the transformation of the business operations model elements into an information technology (IT) solution model comprising business solution <u>artifacts</u> (the business solution artifacts including one or more selected from the group comprising: business objects representing a business document, material, contract or work product, adaptive business objects that capture state-dependent behavior, macroflows that represent interruptible process flows and microflows that represent non-interruptible process flows, application adapters that transforms data for and interfaces with application software, business-business connectors that transform data for and interface with external business systems, and portal artifacts for enabling human users to interact with the solution), neither of which is taught or suggested by Covino.

Moreover, inherent in Claim 26's recitation of the business level modeling language for formally representing said business operations according to a schema, wherein the schema describes ... "a functional sub-model describing actions in the form of business processes, business tasks and artifact repositories... <u>describing those tasks which operate upon one or more business artifacts</u> using one or more kinds of resources, and <u>how those tasks are interconnected through the exchange of business artifacts</u>," is the requirement that all processes represented in this business level modeling language must specify a <u>business artifact</u> associated with an input and output of each task. It is respectfully submitted that this is neither taught nor described in Covino. In other words, the business modeling language of

the invention forbids pure control flow (sequence of tasks with no business artifact being passed between tasks).

Furthermore, Covino calls out workflow and rules separately which is underscored by the description found in Covino at paragraph [0016] that seeks to separate out a data model and process model, a separation that the present invention minimizes by combining both into the same business modeling schema, allowing close relationships between the data (business artifacts) and the tasks (operations on the business artifacts).

In sum, it is submitted that the workflow (process) model of the present invention as claimed in Claims 26-28 is not taught nor suggested by the model XML schema described in Covino. The present invention is an operation modeling method that "focuses on the artifacts that the business operates on, and the business elements that impact the lifecycle of those artifacts." The Claims 26-28 have been clarified to more definitely focus on business artifacts, which obviates the issue of obviousness as neither Ata nor Covino describe the business artifact focus.

Furthermore, with respect to the Examiner's application of Ata as allegedly teaching the transforming of key performance indicators into IT probes in the IT executable solution model, the probes enabling real-time monitoring and reporting of business process performance.., it is respectfully submitted that Ata, in the passages cited by the Examiner, does not describe probes at all. In the cited passages, Ata describes use of feedback and iterative improvement, but does not describe how performance data are generated in the context of real-time monitoring.

Thus, in view of the foregoing, applicants respectfully request that the Examiner withdraw the rejection of Claims 26-28 under 35 U.S.C. §103(a) as allegedly being unpatentable over the combination of El Ata and Covino, and, the rejection of all claims dependent thereon.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,

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